

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: Portions of public right-of-way located within the Historical Main Street area, north of Garden Grove Boulevard, south of Acacia Parkway.
HEARING DATE: September 6, 2018	GENERAL PLAN: Civic Center Mixed Use
CASE NO.: Amendment No. A-022-2018	ZONE: CC-2 (Civic Center Main Street)
APPLICANT: City of Garden Grove	APN: N/A
OWNER: N/A	CEQA DETERMINATION: Exempt

REQUEST:

A request that the Planning Commission recommend City Council approval of a City-initiated text amendment to Title 9 of the Garden Grove Municipal Code to provide for a process to permit eating establishments on Historic Main Street, within the CC-2 (Civic Center Main Street) zone, to establish outdoor dining areas in the public right-of-way.

BACKGROUND:

What would become today's Main Street, established in 1874-75, started as a block of wooden structures along an unpaved dirt road until the Pacific Electric railroad arrived in 1905. The majority of the structures were destroyed during the 1933 Long Beach earthquake, however, the Euclid Improvement Association rebuilt the area by replacing the damaged structures with sturdier wood-and-stucco Spanish mission style buildings, and by widening the street.

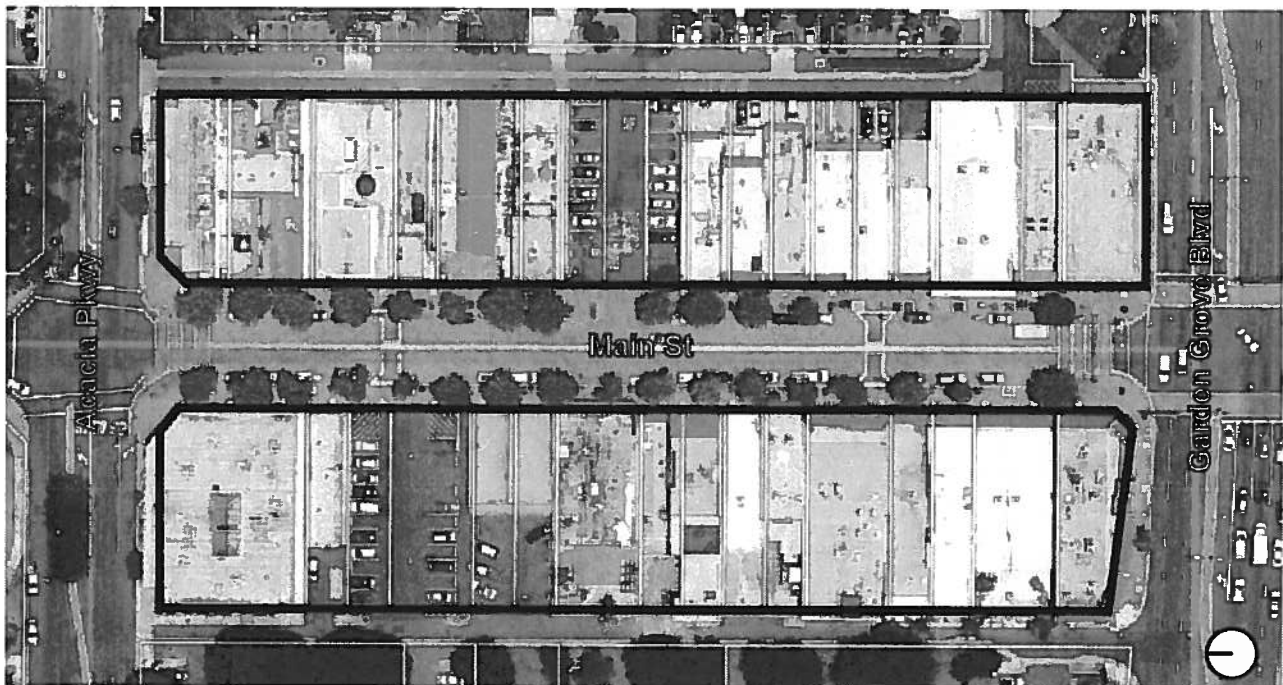
The City of Garden Grove has considered Main Street to be of "historic" importance for many years. The City of Garden Grove, Office of Redevelopment, prepared specific standards in 1979 named "Architectural and Design Criteria for the Main Street Historical-Retail Combining Zone." As a result, in the mid-Eighties, the City made improvements that included a brick-stamped concrete roadway, the elimination of the angled parking, and the installation of benches, trash cans, and shade trees, in an effort to revive a declining Main Street.

Over the years, changes have been made to the zoning of Main Street to diversify the allowed uses in an effort to reduce the number of vacant tenant spaces. In 1983, the City Council adopted two (2) Ordinances: the first created the Main Street Historical-Retail Combining zone; and the second, rezoned the properties on Main Street to the Community Center-Commercial (Historical-Retail) zone. In 1988, the City Council approved Code Amendment No. A-135-87 to expand the types of uses in the H-R (Main

Street Historical-Retail Combining) zone. The amendment added business and professional office uses, which were generally only allowed in the O-P (Office Professional) zone, to the list of already-permitted commercial retail uses. More recently in 2007, the City Council approved Code Amendment No. A-133-07 allowing residential units above existing commercial uses in the Main Street Retail Overlay Zone (H-R).

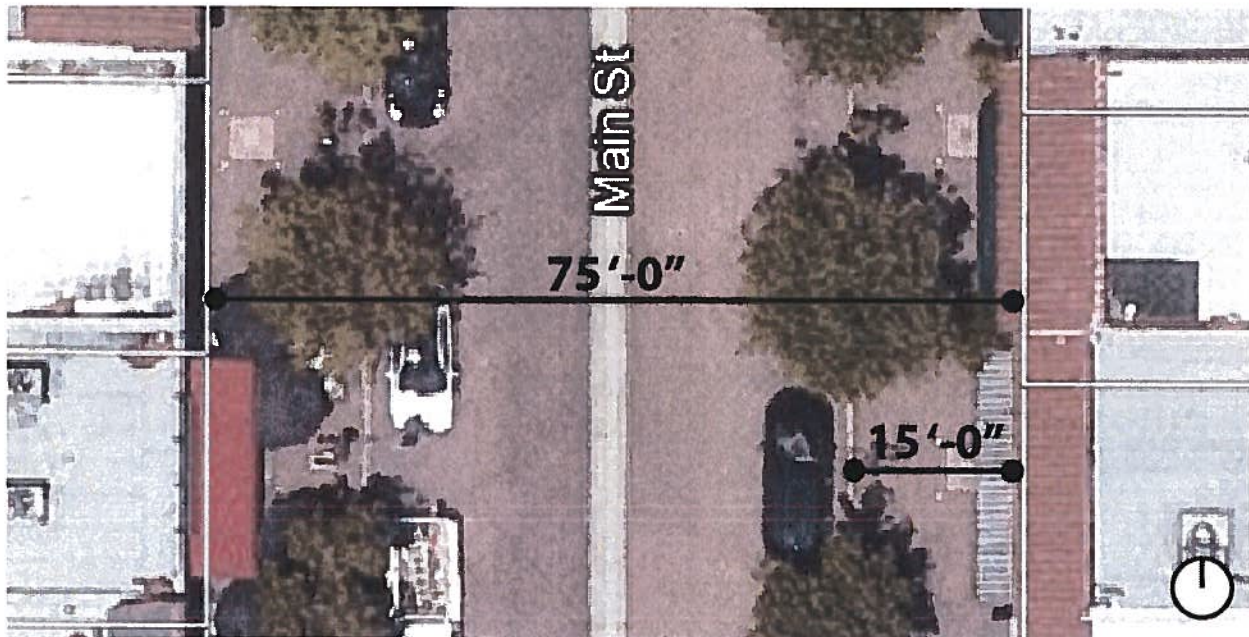
The General Plan, adopted in 2008, called the 130-acre Civic Center the "Heart of the City" stating that people should be drawn to the Civic Center to become engaged in the community and to experience the place itself. The Civic Center is a prime "Focus Area" with a mixed-use Land Use designation, Civic Center Mixed Use, which promotes civic, commercial, open space, and residential uses in a human scale environment with pedestrian-friendly streets and paths that connect public gathering spaces. Later in 2012, the City adopted the Civic Center Mixed Use zones 1, 2, and 3 to implement the General Plan Land Use designation of Civic Center Mixed Use. The properties along Main Street were zoned CC-2 (Civic Center Main Street), which was established to *"preserve and enhance buildings and structures of historic and cultural significance, and incidental uses that advance and preserve the Main Street character and charm."*

Recently, the City has received numerous requests from eating establishment owners within the Historic Main Street area for outdoor dining in the public right-of-way between Garden Grove Boulevard and Acacia Parkway (shown in aerial below). Historically, the public right-of-way has been an area designated for pedestrian and vehicular travel, however, City events, such as the Garden Grove Farmer's Market and Car Show, have been held periodically within Main Street.



Aerial of Historical Main Street area between Acacia Parkway and Garden Grove Boulevard

Parallel parking exists on the east and west sides of Main Street, however, there is no curb separating the walkway from the street parking area. The existing width of the public right-of-way along Main Street is 75 feet, with a 15-foot walkway between the front property line of each storefront and the edge of the parallel parking limit (shown in aerial below). Therefore, it is proposed that outdoor dining areas in the public right-of-way be only allowed within the 15-foot area directly in front of the eating establishment to allow vehicular travel to remain as is.



Partial aerial of public right-of-way along Main Street

Currently, eating establishment/restaurant uses within the Historic Main Street area, which are a permitted use in the CC-2 zone, are not permitted to have outdoor dining that encroaches into the public right-of-way. However, the City recognizes that visitors and individual businesses within the Historic Main Street area may benefit from outdoor dining in the public right-of-way. Outdoor dining in the public right-of-way may invigorate the street, while offering restaurants an opportunity for additional seating. The City's General Plan encourages outdoor dining in the Civic Center to encourage a pedestrian friendly area that contributes to the walkability appeal of Downtown, encourages opportunities for social interaction, and contributes to Downtown's identity and streetscape, as well as to "*preserve the Main Street character and charm.*" Moreover, outdoor dining in the public right-of-way may be a unifying element throughout the Downtown that will encourage new businesses to open in the Historic Main Street area. As a result, the City is proposing a zoning text amendment that will establish design standards and guidelines to ensure that outdoor dining areas in the public right-of-way are of high quality design to contribute to the creation of a functional and aesthetically pleasing streetscape that suits the historic character of Main Street.

There are a total of thirty-six (36) separate properties along Main Street that are zoned CC-2, of which eight (8) are eating establishments that provide meal service,

such as full-service or dine-in restaurants, take-out restaurants, or specialty food restaurants, that include dessert and coffee houses. Of the eight (8) eating establishments, three (3) have active Conditional Use Permit (CUP) approvals for the sales and service of alcoholic beverages within their establishment: Azteca Restaurant & Lounge, Louie's on Main, and The Wharf. The four (4) existing eating establishments along Main Street without alcohol sales are: Kaye's Kitchen, E Patisserie & Café, 102 Café, and Barcode. The last eating establishment, former Doug's Downtown Grill, is currently vacant. Eating establishments without the sale of alcohol are permitted by right in the CC-2 zone, while eating establishments serving alcohol require CUP approval. The proposed amendment will apply to current and/or future eating establishments that provide meal service. Uses aside from eating establishments in the CC-2 zone will continue to be precluded from having outdoor seating in the public right-of-way and are not affected by the proposed amendment.

Planning Staff presented to the Downtown Commission (prior known as the Main Street Commission) on November 9, 2017, with the proposed requirements of the Public Works Department, the Police Department, the Community and Economic Development Department, the State of California Alcoholic Beverage Control Department (ABC), and the Americans with Disabilities Act (ADA) for outdoor dining in the public right-of-way within the Historic Main Street area. Planning Staff presented illustrations of potential layouts for outdoor dining in the public right-of-way that meet the intent of the proposed amendment. The Downtown Commission is in support of the proposed Code Amendment and has recommended its approval.

DISCUSSION:

The following discussion summarizes the proposed amendments to the Municipal Code to establish development standards and regulations to permit outdoor dining in the public right-of-way on Historic Main Street, while minimizing associated impacts. These proposed new standards and regulations are intended to improve the current character of the Garden Grove Historic Main Street area, which has changed significantly since its establishment in 1874-75.

Staff is proposing amendments to both Title 9 (the Land Use Code) and Title 11 (relating to encroachment permits for use of the public right-of-way).

The proposed amendments to Title 11 would establish specific provisions for issuance of encroachment permits to adjacent eating establishments to establish and maintain an outdoor dining area that encroaches in the public right-of-way. Encroachment permits are temporary revocable licenses issued by the City's Public Works Department authorizing someone to temporarily use or work in the right-of-way. Encroachment permits are issued by the City in its capacity as owner of the public right-of-way and generally address traffic and pedestrian safety, protection and restoration of public facilities and improvements, insurance, and similar matters. The Planning Commission's jurisdiction is limited to land use matters, and the Planning Commission is not being asked to make a recommendation to the City Council regarding the proposed Title 11 amendments pertaining to encroachment permits;

however, the proposed Title 11 amendments are being presented to the Planning Commission in order to provide context and to inform its decision regarding the proposed Land Use Code amendments.

The proposed Land Use Code (Title 9) amendments would establish a process for eating establishments fronting Historic Main Street to obtain a Main Street Outdoor Dining Permit authorizing them to maintain and use an outdoor dining area in the public right-of-way that is incidental and accessory to the eating establishment use and would address design standards, aesthetic concerns, and operational requirements for these outdoor dining areas. The proposed amendment will add new definitions, design requirements, and operational standards to outdoor dining in the public right-of-way within the Historic Main Street area, which will apply only to eating establishments with, or without, alcohol sales or consumption within properties that front Main Street, where the outdoor dining area is along Main Street, and are zoned CC-2. The amendment will include design guidelines and specific operational requirements by various City and State departments, such as the Public Works Department, the Police Department, the Community and Economic Development Department, the Building and Safety Division, and the State of California Alcohol Beverage Control Department (ABC).

Application Requirements and Review Process:

The review and approval procedures for a Main Street Outdoor Dining Permit will vary based on the applicant's request, any existing approvals for the associated eating establishment, and whether the applicant is requesting, or has already obtained, Conditional Use Permit (CUP) approval for the sales and consumption of alcohol for the eating establishment.

Pursuant to the proposed amendments, eating establishments that are requesting outdoor dining in the public right-of-way, but which are not requesting to sell and serve alcohol to patrons, can obtain approval from the Director of the Community and Economic Development Department. A public hearing is not required for a Director's approval, however, property owners on Main Street will be notified of the request and have the opportunity to provide written comments. If objections are received, the Director may elevate the review to the Zoning Administrator or Planning Commission pursuant to the public hearing process. Decisions of the Director may be appealed to the Planning Commission, in which case a public hearing would be held.

If an eating establishment proposes to serve alcohol within the outdoor dining area, it must obtain a new or amended Conditional Use Permit pursuant to the provisions of Municipal Code Section 9.18.060, and the Main Street Outdoor Dining Permit application would be processed and considered in conjunction with the Conditional Use Permit.

Proposed findings that must be made by the Director or City hearing body to approve a Main Street Outdoor Dining Permit include the following:

- The proposed outdoor dining area in the public right-of-way is consistent with the City's General Plan, all applicable development standards and Building Code requirements, and all other applicable Title 9 provisions;
- The proposed outdoor dining area in the public right-of-way will be complimentary to, and not inconsistent with, the underlying dedication for public right-of-way or the City's title or estate in the underlying public right-of-way;
- The applicant has demonstrated a satisfactory ability and willingness to comply with the Garden Grove Municipal Code and pertinent conditions to previously issued permits, licenses, and City land use approvals with respect to operation of the adjacent eating establishment;
- The proposed outdoor dining activity will not be materially detrimental to the public health, safety or general welfare and will not injure or unreasonably interfere with the property or improvements of other persons located in the vicinity of the proposed outdoor dining area; and
- The City Engineer is prepared to issue an encroachment permit to the applicant for the establishment and maintenance of an outdoor dining area in the public right-of-way pursuant to Title 11.

Along with the application, the applicant will be required to submit written authorization from the property owner, evidence that the business is in compliance with previous approvals, and plans that show in detail the location, dimensions, and seating arrangement of the proposed outdoor dining area. Upon approval, the applicant will be required to obtain an encroachment permit from the Public Works Department and provide evidence of liability insurance and workers compensation valid for the duration of the permit year, per the proposed amendments to Title 11.

Design Requirements:

The proposed amendment will establish design standards for outdoor dining areas in the public right-of-way within the Historic Main Street area, to be added to Municipal Code Section 9.18.090.050, Additional Regulations Specific to the CC-2 Zone. Establishing design standards will encourage outdoor dining areas to be architecturally and aesthetically compatible with the historic character of Main Street, as well as ensure that the outdoor dining area be designed to meet applicable Building Codes, ABC requirements, and comply with the ADA.

The proposed amendment will require outdoor dining areas to only be permitted in areas where a minimum four-foot wide sidewalk can be maintained for pedestrian path of travel, as required by the ADA, and in areas where the outdoor dining does not interfere with visibility, vehicular or pedestrian mobility. In addition, the proposed amendment will require outdoor dining areas to be located directly in front of the associated tenant space fronting Main Street, without extending across adjacent tenant spaces.

ABC requires a firmly anchored fabricated barrier around the outdoor dining area if alcohol is being served. If the sale of alcohol is not being proposed, a barrier is optional, but should comply with the guidelines established by the amendment, including the ADA and aesthetic requirements for the Historic Main Street area. The design of the fabricated barrier is to be consistent with the aesthetic and architectural character of the Historic Main Street area (see example in the image below), and must be wrought iron or a material approved by the Community and Economic Development Department. The proposed amendment will prohibit the following materials: fabric or canvas inserts, chain link fencing, plastic, vinyl, chicken wire, and cyclone fencing, which is not consistent with the historic character of Main Street. To prevent injuries incurred by the barrier, the amendment will prohibit fencing with spears, spikes, and/or finials.



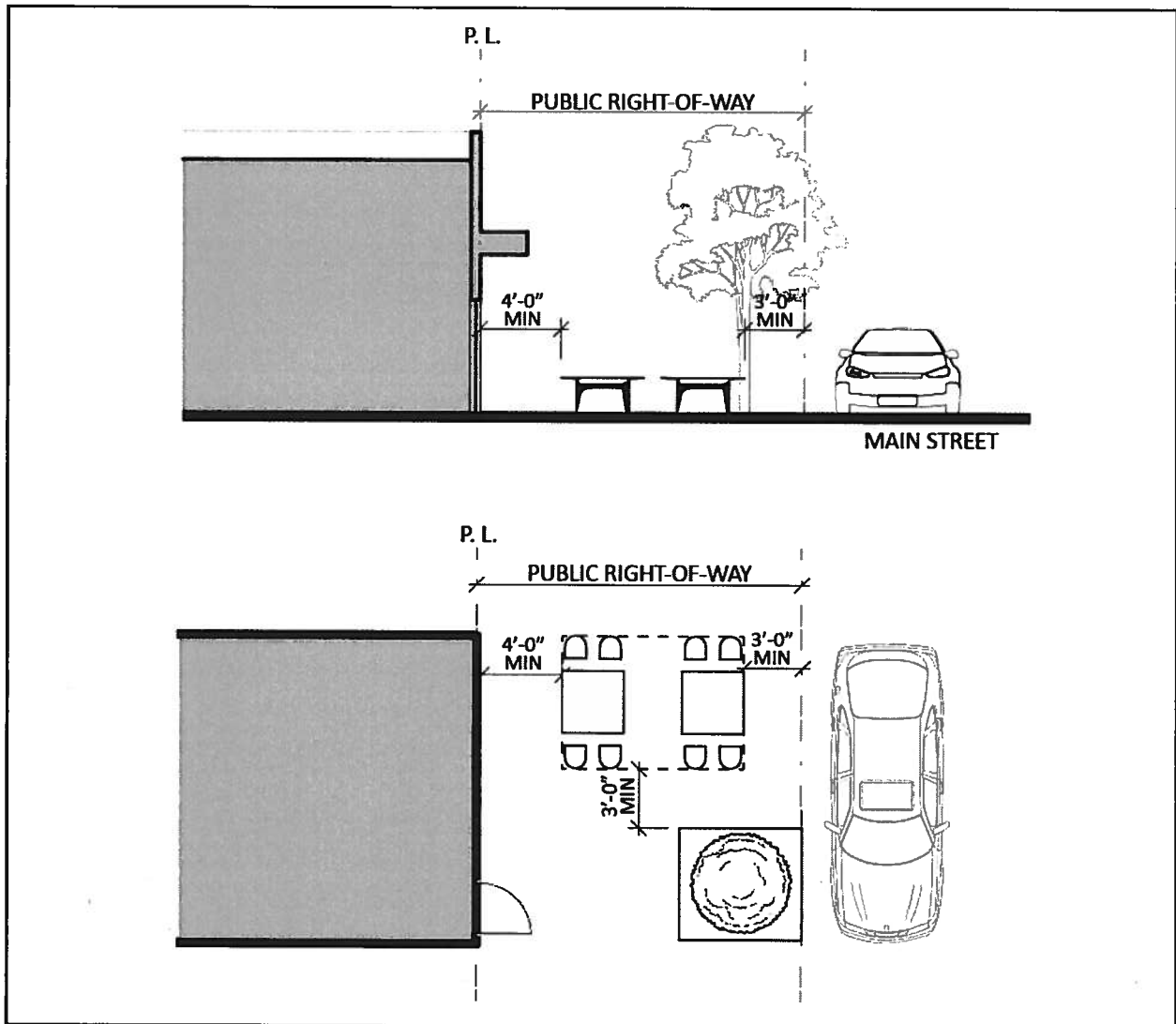
Example of a fabricated wrought iron barrier

Barriers, if provided, must be firmly anchored to the ground at a maximum height of 3'-6", to meet the requirements of the ABC and the Garden Grove Police Department.

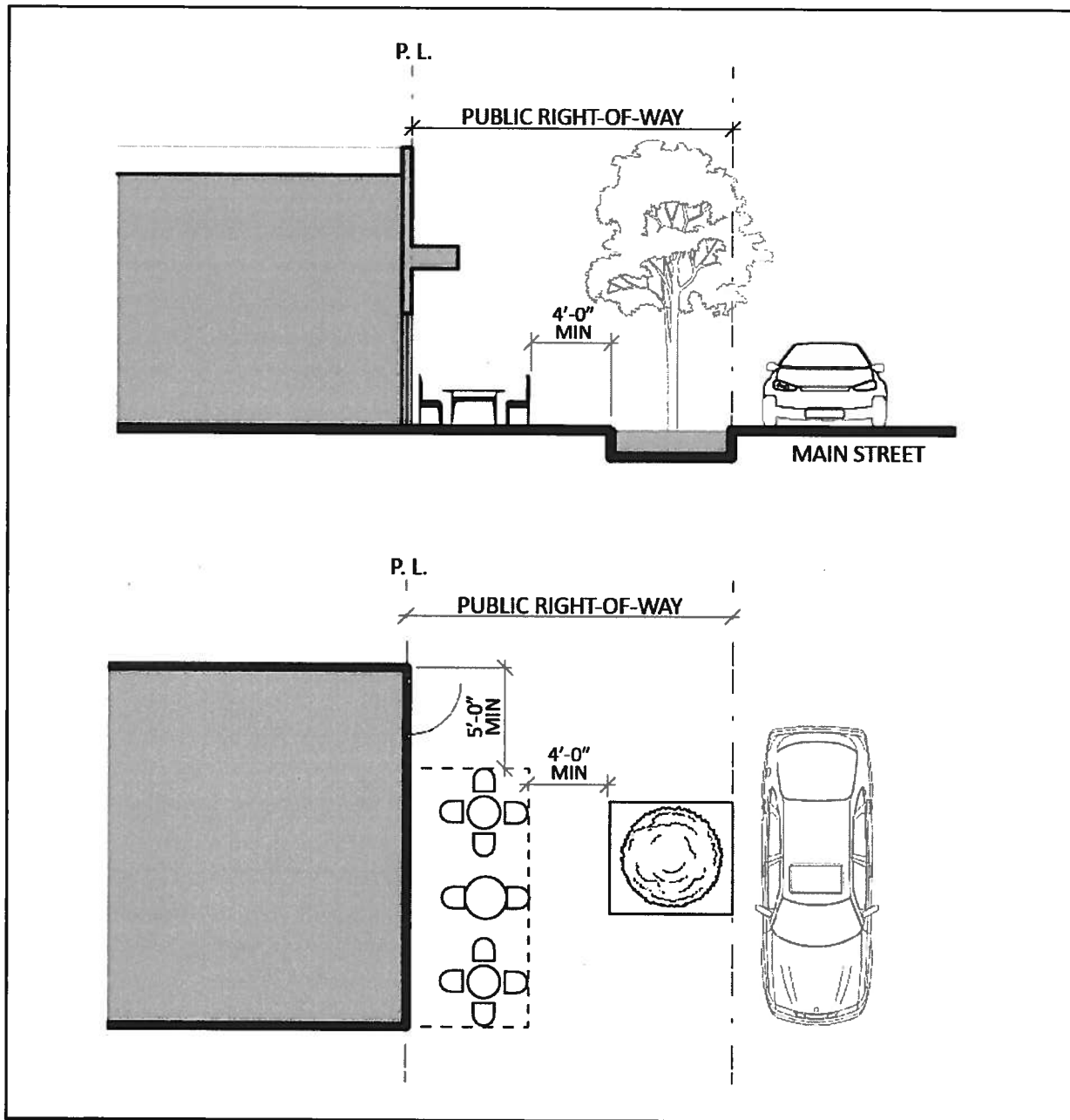
To maintain compliance with the ADA and Building Code requirements, a three-foot clearance around dining furniture that does not encroach into the required four-foot walkway will generally be required, as well. However, in no case shall trees or planters be removed or relocated to meet the required clearance. The amount of seating that will be permitted in an outdoor dining area will depend on the location

of any trees, benches or lamp posts in the right-of-way and will be subject to applicable Building Code occupancy limits.

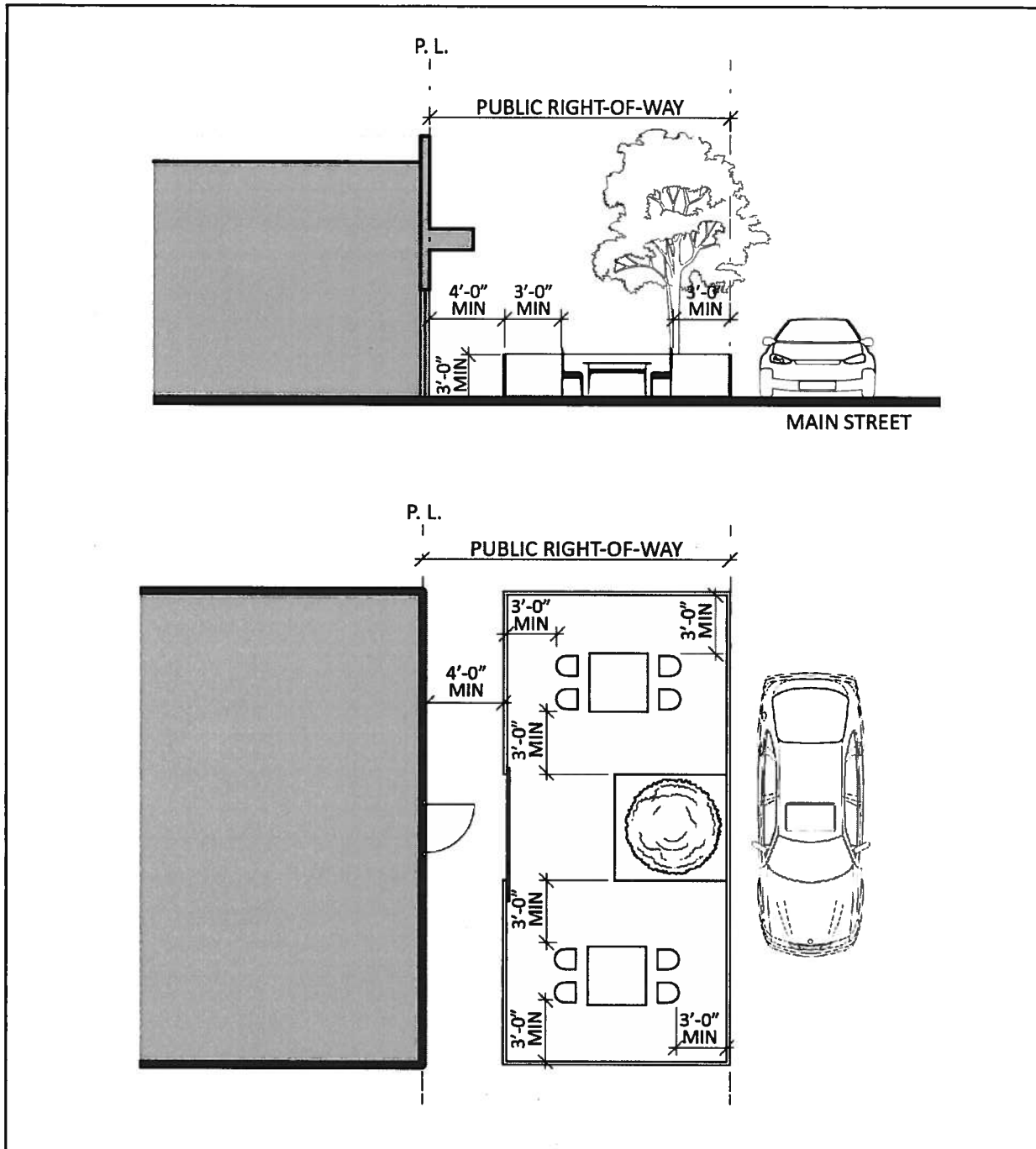
The following diagrams offer possible arrangement of tables and seating for outdoor dining in the public right-of-way given the existing conditions along Main Street. The diagrams illustrate clearances required, barrier placement, and location of seating in relation to existing tree wells, building storefront, and street parking. Nevertheless, the design of the dining area is to comply with the standards of the ADA, which requires that a minimum four-foot walkway be maintained at all times, whether the seating is located along the storefront, or adjacent to the street parking area.



Example of an outdoor dining area in the public right-of-way without a barrier



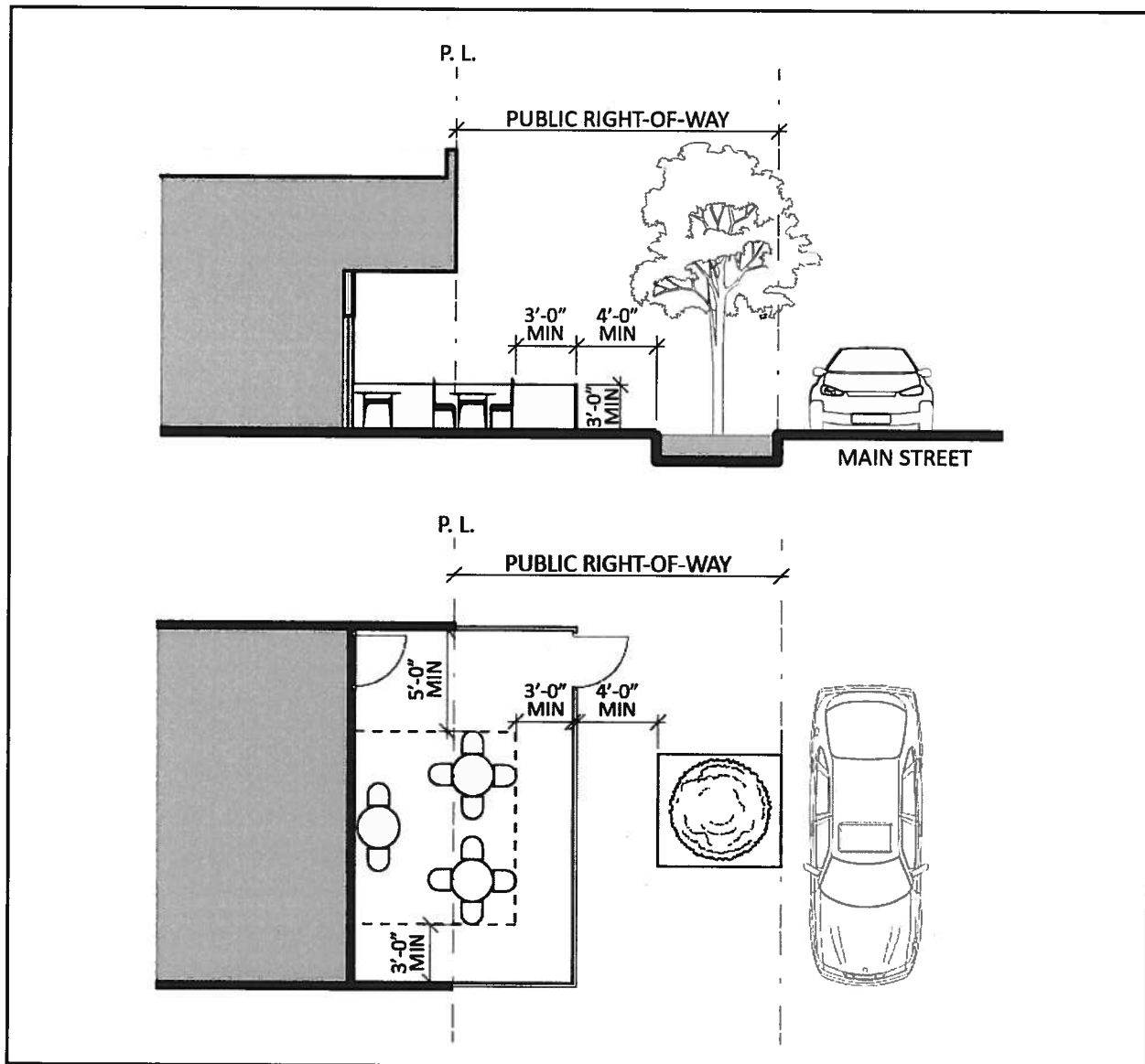
Example of an outdoor dining area in the public right-of-way abutting a storefront wall without a barrier



Example of an outdoor dining area in the public right-of-way with a barrier

The proposed code amendment will allow for the alteration of building façades to accommodate an outdoor dining alcove within the existing building footprint in conjunction with an outdoor dining area that encroaches into the public right-of-way. Altering the building façade for a dining alcove allows for a larger outdoor dining area, while continuing to maintain the required four-foot walkway. Should an applicant request to modify the existing storefront to create an outdoor dining alcove, the design must include an entrance from the public right-of-way leading to

the establishment, and the height of the alcove will be limited to one story. The proposed building façade should fully enclose the building area behind the outdoor dining area, with the exception of doors and operable windows. The amendment will also require that the outdoor dining alcove and the storefront, including glazing, be aesthetically and architecturally compatible with the existing building and the character of the Historic Main Street area. Any proposed building alterations to allow for a dining alcove will require review and recommendation by the Zoning Administrator and the Downtown Commission per Section 9.18.090.050.3 (Building Design Plan) of Title 9 of the Municipal Code. The diagram below illustrates an outdoor dining alcove with seating encroaching into the public right-of-way.



Example of a dining alcove in conjunction with an outdoor dining area in the public right-of-way with a barrier

To meet the intent of the CC-2 zone to preserve the Main Street character, the proposed amendment will require that the design of the dining area, including tables and chairs proposed, be architecturally and aesthetically compatible with the Historic Main Street area. The tables, chairs, and barrier, should be consistent with the design of the existing buildings on Main Street, as well as the planters, lamps, benches, and other streetscape elements that exist within the right-of-way along Main Street.

Operational Requirements:

The proposed amendment will also address operational requirements for outdoor dining areas in the public right-of-way within the Historic Main Street area, as required by ABC and the Garden Grove Police Department, to limit impacts to the neighboring area. It is proposed that the outdoor dining areas be for sit-down food and beverage service only, where the sales of food must accompany any sales and service of alcohol, and will prohibit stand-up only service. Should alcohol be served in the outdoor dining area, the alcoholic beverages must be served, delivered and/or removed to and from the outdoor dining area by the associated eating establishment business staff. The hours of operation of the outdoor dining area are to be limited to 10:00 p.m., seven days per week, and entertainment will not be allowed in the outdoor dining area to limit noise and impacts to the surrounding area.

Furthermore, the proposed amendment would establish maintenance guidelines, as required by Garden Grove's Public Works and the Community and Economic Development Departments. Outdoor dining areas are to be kept in a good state of repair and should be maintained in a clean, safe, and sanitary condition. In addition, all building entryways and the required pedestrian path of travel must be kept clear and unobstructed at all times. With the exception of the barriers, all furniture and umbrellas are to be removed and stored inside the associated tenant space during nonbusiness hours to prevent storage within the outdoor dining area.

Encroachment Permit Requirements:

An applicant will be required to simultaneously apply for, and obtain approval of, an encroachment permit from the Public Works Department in order to maintain an outdoor dining area in the public right-of-way. The encroachment permit must be renewed on an annual basis with the Public Works Department in order to continue the use of the outdoor dining area in the public right-of-way. A new encroachment permit is to be required in the event the eating establishment changes ownership. Along with the permit renewal application, proof of commercial general liability insurance and workers compensation insurance is to be submitted for the life of the renewal period. Under the encroachment permit, the City will have the right to temporarily suspend or prohibit the operation of an outdoor eating establishment in the public right-of-way at any time if necessary to safeguard the public health, safety or welfare or to avoid interference with special events, street or sidewalk improvements or cleaning, or similar activities. In the event the business operator ceases use of the outdoor dining area, all barriers are to be removed, and the paving is to be returned to its original condition, as required by the Public Works Department.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Adopt the proposed Resolution recommending approval of Amendment No. A-022-2018 to the City Council.



LEE MARINO
Planning Services Manager

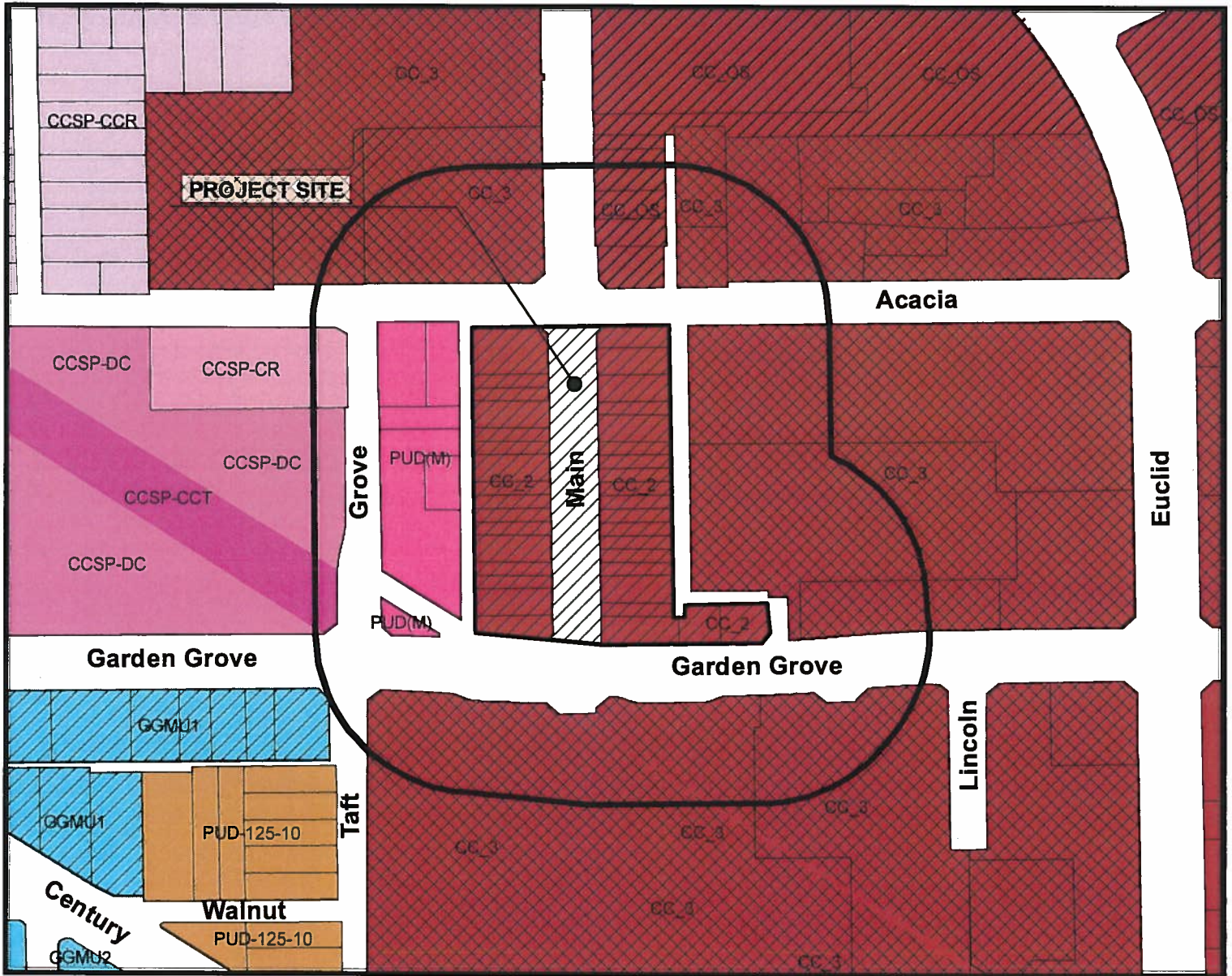


By: Mary Medrano
Associate Planner



AMENDMENT NO. A-022-2018

GARDEN GROVE



LEGEND

 PROJECT SITE: CC-2 ZONE

 300 FEET RADIUS

NOTES

1. GENERAL PLAN: CIVIC CENTER MIXED USE
2. ZONING: CC-2 (CIVIC CENTER MAIN STREET)

